



# National Grocers Association

July 10, 2013

## IMMIGRATION

### **Position**

NGA believes that any legislative effort to reform our nation's immigration law must be comprehensive, preempt state and local laws, and include the following principles: border security, employment verification with protections for employers, expanded guest worker program for unskilled workers, and a path to legal status.

#### *Border Security*

Any border security measures enacted must respect the rule of law and secure our borders. Transportation of commodities across borders should be improved and made more efficient. Inspectors with the USDA, FDA, and Customs officers are needed in addition to the USCIS and Border Patrol officers that would be needed to create operational control of the border. The food industry needs produce and meat to move both ways across the border during the growing seasons.

#### *Employment Verification*

A phased in mandatory verification system that is available electronically or telephonically is essential to level the playing field and maintain uniform E-Verify of workers who come in for a job. There must be no requirement to re-verify our current workforce, federal law must prevail (preempting state and local immigration laws), and strong safe harbors (criminal and civil) are needed for employers who rely on the documents presented to confirm an employee's the job application.

HR managers and small business owners are not immigration enforcement officers. Employers need a private sector arbitration program run by certified human resource professionals to resolve disputes between employees and employers. Costly labor lawyers cannot be used in a global economy that moves at internet speed.

#### *Expanded Guest Worker Program for Unskilled Workers*

The supermarket industry has a need for temporary guest workers for retailer and wholesaler operations to cover the employees who leave to pursue higher education, trade training skills, or other employment opportunities. The turnover rate in the retail supermarket industry is about 44 percent and we employ well over 3,000,000 people in the U.S. The supermarket industry is a training ground for marketable job skills not taught in schools. We continue to believe than the proposed caps for unskilled guest workers are not realistic for any part of the agriculture or retail food industries. Congress should consider food sector Agriculture visa that encompasses farm to fork for jobs such as bakers, butchers, food service, and other low-skilled workers.

#### *Path to Legal Status*

NGA supports a clear path for undocumented immigrants to come out of the shadows and keep families together, but must include criminal background checks and civil penalties. Children brought to the U.S. illegally should have a clear path to legal status.

### **Background**

Independent retail and wholesale grocers are keenly interested in immigration reform both from the perspective of the local grocer serving many local communities who are directly impacted by this issue and also from the perspective of the employer. The current system is broken and badly in need of comprehensive reform.

Today, independent grocers are being negatively impacted by the lack of progress on passing comprehensive federal immigration legislation as a number of states and localities have moved to fill the void by enacting legislation while also taking on law enforcement actions that have historically been the responsibility of the federal government.

In February 2013, the National Grocers Association's Board of Directors directed an immigration task force be formed with the ultimate goal of developing a position for the Association. The position was unanimously approved by the Executive Committee and Board of Directors on May 16.

### **Status**

On June 27, the Senate passed the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744) on a bipartisan 68-32 vote which NGA supported. This comprehensive immigration bill preempts state and local laws, secures our nation's borders, provides for mandatory E-Verify for all employers with strong safe harbor protections against frivolous lawsuits and enforcement action for employers acting in good faith, and provides a path to legal status for the estimated 11 million undocumented workers. While no bill is ever perfect this legislation is an important step in the right direction by embracing comprehensive reform that addresses the real challenges facing our nation today, while ensuring protections for employers acting in good faith.

The House of Representatives has taken a different approach to immigration reform passing partisan piecemeal bills out of committee. A bipartisan committee of 7 in the House also continues to work on a comprehensive solution. NGA will continue to meet with Members of Congress and key committees on immigration reform.

*The National Grocers Association (NGA) is the national trade association representing the retail and wholesale grocers that comprise the independent sector of the food distribution industry. An independent retailer is a privately owned or controlled food retail company operating a variety of formats. Most are serviced by wholesale distributors, while others may be partially or fully self-distributing. Independents are the true "entrepreneurs" of the grocery industry and dedicated to their customers, associates, and communities. The independent grocery sector is accountable for close to 1 percent of the nation's overall economy and is responsible for generating \$129.5 billion in sales, 944,000 jobs, \$30 billion in wages, and \$27 billion in taxes. NGA members include retail and wholesale grocers, state grocers associations, as well as manufacturers and service suppliers.*